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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,163	08/31/2005	Herve Van Respaille	LOM-0045	8664

23599 7590 12/14/2007  
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ARLINGTON, VA 22201

EXAMINER
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THOMAS, ALEXANDER S

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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12/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,163	<b>Applicant(s)</b> VAN RESPAILLE, HERVE	
	<b>Examiner</b> Alexander Thomas	<b>Art Unit</b> 1794	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/07 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the patent publication ZA 9406419 A. The reference discloses a cover comprising a peripheral binding 12 having a hook or loop fastener 14 on at least two side edges; see the Figure and Abstract. The phrase "for a vehicle provided with an original floor" is a statement of intended use that does not add any patentably distinguishing features to the claimed mat.

### ***Claim Rejections - 35 USC § 103***

4. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's acknowledged state of the art (AKA). AKA discloses that it is old in the automobile accessory mat art to apply removable accessory mats over the original carpet in automobiles; see page 1, lines 18-22. AKA further discloses that accessory

mats for placing inside automobiles comprising carpet and an edge binding are known in the art; see page 2, lines 20-22 and 28-30. AKA also discloses that it is old in the art to apply hook and/or loop strips of fastener to the back face of automobile accessory mats to prevent movement of the mats; see page 4, lines 25-26 and page 5, lines 13-16. It would have been obvious to one of ordinary skill in the art to apply hook and/or loop fastener strips to the back surface of the known automobile accessory mat in view of the teachings in AKA as a means of preventing movement of the mat. The placement of the hook and/or loop fastener strips in a specific location of the back of the mat, such as on the binding portion of the rear of the mat, would have been obvious to one of ordinary skill in the art since shifting the location of parts is within the general skill of a worker in the art. AKA also discloses that adhesive bonding, stitching, and heat sealing are conventional securing techniques; see page 7, lines 13-14. Furthermore, the examiner takes official notice of the fact that adhesive bonding, stitching and heat sealing are all well known techniques of fastening one object to another. It would have also been obvious to one of ordinary skill in the art to use any well known technique, such as adhesive, stitching, heat sealing, etc. to attach the binding in the prior art product to its mat to provide the desired structural integrity for a particular end use (claim 5). It would also have been obvious to one of ordinary skill in the art to apply the hook and/or loop fasteners over all of the binding back surface or only a portion thereof to provide the desired holding power for a particular end use (claims 6 and 7).

5. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller 4,810,024. The reference discloses a covering mat comprising a binding and

hook/loop material attached to a surface of the covering; see Figures 5 and column 4, lines 46-66. It would have been obvious to one of ordinary skill in the art to place the hook/loop fastener material on any portion of the rear of the covering mat in the reference, such as on the binder portion of the rear of the mat, since shifting of the location of parts is within the general skill of a worker in the art. It would also have been obvious to one of ordinary skill in the art to place either the hook or the loop portion of the fastener combination on the covering mat in the reference since it is known in the hook/loop fastener art to use these two materials interchangeably.

6. Claims 3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altus 4,692,364 in view of Heller or applicant's acknowledged state of the art. The primary reference discloses the invention substantially as claimed, namely that a covering mat comprising two pieces of carpet placed back to back and bound by a edge binding is typical in the art; see column 3, lines 11-17 of Altus. However, it does not disclose the use of a hook/loop fastener on the covering to prevent movement of the mat on a substrate. The secondary references disclose the use of hook/loop fasteners on covering mats as old in the art; see page 3, lines 13-16 of the instant specification and column 5, lines 43-66. It would have been obvious to one of ordinary skill in the art to place hook or loop fastening means on covering mat disclosed in the primary reference in view of the teachings in the secondary references in order to prevent movement of the mat. It would also have been obvious to one of ordinary skill in the art to place the hook or loop fastening material at any location on the mat, such as on the

binding, of the primary reference since shifting of the location of parts is within the general skill of a worker in the art.

7. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent publication ZA 9406419 A. The reference discloses a cover comprising a peripheral binding 12 having a hook or loop fastener 14 on at least two side edges; see the Figure and Abstract. It would have been obvious to one of ordinary skill in the art to use any known means, such as stitching, for fastening the binding to the cover of the reference. It would also have been obvious to one of ordinary skill in the art to place either the hook or loop part of the fastener combination on the cover since it is known in the fastener art to use these materials interchangeably.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The previous rejection under 35 USC 112 has been overcome in view of the amendments to the claims and specification.

9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/521,163  
Art Unit: 1794

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Thomas/  
Primary Examiner  
Art Unit 1794